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*Attorneys for Plaintiff*

*[Additional counsel appear on signature page.]*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SIMON ABRAHMS, individually and on  
behalf of all those similarly situated,  
Plaintiffs,

v.

RANDY S. MAY, JOHN P. CAHILL, PETER  
A. MEHRING, GARY M. METZGER,  
STEVEN K. NELSON, and ECOARK  
HOLDINGS, INC.,  
Defendants.

Case No. 2:20-cv-02060-RFB-BNW

**VOLUNTARY DISMISSAL WITHOUT  
PREJUDICE**

PLEASE TAKE NOTICE that Plaintiff Simon Abrahms (“Plaintiff”) hereby voluntarily dismisses, without prejudice, all claims and causes of action against all defendants in this action. No defendant has filed or served an answer or responsive motion. Plaintiff respectfully submits that notice of said dismissal is unnecessary to protect the interests of Ecoark Holdings, Inc. shareholders because: (i) Plaintiff seeks dismissal without prejudice; (ii) there has been no settlement or compromise of the action; (iii) there has been no collusion among the parties; (iv) neither Plaintiff nor his counsel has received or will receive any consideration from Defendants for the dismissal; and (v) no prior notice has been issued to shareholders in connection with this Action.

1 DATED: January \_\_\_, 2021

/s/ William J. Fields

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*Attorneys for Plaintiff*

13 SO ORDERED:

14 Dated: January \_\_\_\_, 2021

15  
16 \_\_\_\_\_  
17 HON. RICHARD F. BOULWARE  
18 United States District Judge  
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